



14 FEB 2003

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In re Application of :
PLESTENJAK, Jozef :
Application No.: 09/554,032 :
PCT No.: PCT/SI98/00008 :
Int. Filing Date: 30 March 1998 :
Priority Date: 04 November 1997 :
Attorney Docket No.: 204,509 :
For: A DRYING DEVICE :
DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.181" filed 07 January 2003 and "Supplement to Above Renewed Petition under 37 CFR 1.181" filed 10 January 2003 requesting withdrawal of the Notification of Abandonment mailed by the Office on 12 July 2002, in response to a decision mailed 23 December 2002.

DISCUSSION

With regards to applicants' request that the holding of abandonment be withdrawn, a proper showing in order to establish that papers were not received as set forth in the Official Gazette at 1156 OG 53 must include the following: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement). The 23 December 2002 decision indicated that applicant has satisfied requirements (1) and (2) above.

As to Item (3), applicant has provided "a listing of office actions that were due on June 19, 2000 from the patent docket computer records database. No record of the Notification appears in the listing." Therefore, since applicant has satisfied Items (1), (2), and (3) above, the request may be properly granted.

CONCLUSION

For the reasons above, the request is **GRANTED**. The holding of Abandonment is withdrawn.

The application has an international filing date of 30 March 1998 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of **01 August 2002**.

This application is being returned to the United States/Designated Elected Office for processing in accordance with this decision.



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